

RULE: Telehealth during a state of emergency (5160-1-21)

This information is from the Department of Medicaid and refers specifically to Medicaid

THE GIST: The requirement that initial visits with patients must include face-to-face contact is suspended effective 3/20/2020. Providers may use telehealth with new and existing patients during a State of Emergency.

BASIC APPLICABILITY:

- In effect for the duration of a Governor-declared State of Emergency
- Applies to licensed professional clinical counselors (and other providers)
- Can be used with both new and established patients
- There are no limitations on the patient or practitioner site (however, the provider “should have access to the medical records of the patient at the time of service to the greatest extent possible” and should try to abide by existing documentation requirements)

SCOPE OF TELEHEALTH:

- Definition of telehealth:
 - “The direct delivery of health care services to a patient via synchronous, interactive, real-time electronic communication comprising both audio and video elements; or
 - Activities that are asynchronous and do not have both audio and video elements such as telephone calls, images transmitted via facsimile machine, and electronic mail.”
- Provider can use any audio or video non-public facing remote communicate product available, even if some of the technologies may violate HIPAA as long as the technology isn’t public-facing (ie. Facebook Live)

PAYMENT:

- Practitioner site may submit a claim to be billed if it’s for a “medically necessary” service listed in the rule (includes remote patient monitoring, evaluation and management services, virtual check-in)
- Applies to Medicaid services if otherwise payable under the Medicaid school program